

Accountability And Transparency in Legislative Process In Nigeria: A Challenge

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Abstract

This paper investigates accountability and transparency in legislative process in Nigerian. Good governance of any country dependent solely on the kind of laws that are made by the legislatures. The faith of democracy dependent largely on the legislative process which has to do with laws that affect the electorate and citizen at large. The question that readily comes to one's mind is whether we have fair representation over the pass years and if we do how accountable and transparent are they in the legislative matters. The problem of democracy in Africa centred on legislative governance. Most laws made by the legislatures are self-centred on them and seem to favour them not minding whether those laws have negative effects on the public.

Keywords: Accountability, Transparency, Legislature.

INTRODUCTION

Democratic political systems are characterized by the presence of three distinct arms of government namely, the Legislature, the Executive and the Judiciary. The executive executes the laws of the land while the legislature makes laws for the whole society. The judiciary as the third arm of government interprets the law and applies existing laws to individual cases. These three arms of government make it possible for the political system to perform its natural functions of rule-making, rule-application and rule-adjudication. The nature of democracies makes the existence of these three arms of government a necessity. After all, democracy is simply popular power or government of people, for the people and by the people. Both the Legislature and the Executive are composed of people elected representatives who have been invested with the authority to take decisions on behalf of the people. The Legislature in particular has been described as the sovereign organ of state power.

The painful paradox of Nigeria's case is the fact that advent of petro-dollar financial windfall coincided with her national political independence. Yet, she seems to be the hardest hit by the incidence of bad governance, defined in terms of corruption, nepotism, embezzlement of public resources, and manipulation of electoral process by government officials and consequent political instability. To demonstrate, out of forty eight (48) years of independence, the military had held the reins of governance for thirty (30) years. Yet, the exit of the junta has, by no means, heralded the end of political instability as more monstrous authoritarian tendencies have continued to rear their ugly heads since the advent of re-civilianisation which has been on course since May, 1999.

While the country grins through this chequered political history, political scientists and other public affairs pundits have expressed the informed view that the near absence of accountability and transparency in the public sector lie at the root of our national travails. This paper is a modest effort at examining critically, the underlying causes of weak accountability and transparency culture in the Nigerian public sector. Following logically from analytical conclusion, the paper would demonstrate their inextricable interweaving with the governance question and then examine a few ameliorative measures.

Accountability, Transparency and Legislature

Accountability

This concept carries an undertone of *stewardship*. Hence one of the most common-place biblical injunction is "From whom much is given, much is expected." Thus our various roles as people entrusted with one form of societal responsibility or the other, entails rendering regular accounts to God of our stewardship on earth. To this extent, *accountability* is imminent in the social responsibilities of mankind. This represents the genetic sense of the term.

Now, what is accountability in reference to the realm of public authority and/or administration? To begin with, in this instance, the term is usually prefixed with the epithet *public*; in which case we define the term

public accountability as “the firm recognition and acceptance of the act that all public servants (i.e., lesser persons or authority) owe and hold their positions, and everything associated with those positions as trusts for the people who are their masters (higher persons or authority). Those who are expected to render services must account to the people for their successes and failures; and those who are entrusted with the custody and disbursement of public funds must appropriately account to the people for their use” (Okigbo, quoted in Ozor, 2000:4).

Accountability is germane to public administration and, in its original English usage, was in the context of public finance. However, over time, the term has acquired broader political connotation than its original conception, so much as that it has come to embrace the financial, administrative and political account of stewardship on the part of public office holders. The justification of this sacred expectation lies in the fact the latter are no more than custodians of public trust; in a classical expression, they are the custodians of the social contract, a concept we hope to treat in some reasonable detail under this section of the paper.

Transparency

This requires that the process of rule-making, rule-execution and rule-adjudication must be reasonably open. The extent of openness must be such that private citizens and groups should be able to know the justification for such public actions. In other words, governmental activities should be subjected to open, public knowledge as may be necessary. To this extent, decisions of public authorities are expected to follow rules and regulations, which should form the standard against which these actions are assessed by not only other government agencies but more importantly, the national civil society. Specifically, *transparency* entails the following measures:

- Information should be freely available and directly accessible to those who will be affected by such decisions and enforcement;
- Not only government institutions but also the private sector and civil society must disclose information about their activities to the public but particularly their institutional stakeholders;
- There must be a mechanism for co-operation, communication and coordination from the federal to the state and local government areas for the purpose of consistence, particularly in national programmes;
- With particular reference to Nigeria, the Budget, Monitoring and Price Intelligence Unit (BMPIU), otherwise personified as *Due Process* should be established and strengthened at the local and state governments levels. It should undertake the responsibility of monitoring public programmes/project to ensure compliance with set rules.

A regime of *transparency* ensures that those on the government side (i.e., government officials appointed as well as elected) disclose their process to interested stakeholders. In this sense, one may argue that transparency is a corollary of *accountability*, because it is only an accountable government that has a penchant for openness. We shall put in bold relief the inextricable relationship between these two key concepts in the later part of this paper.

Legislature

The legislature performs a variety of functions that underscores its significance under a democratic dispensation. These can be summarized as the policy-making function, representative function we mean a reconciliation or aggregation of divergent interests and demands in the society that finds expression in legislation. The representative function presupposes that legislators are ambassadors of their various constituencies and they act as intermediaries between the citizens and the government. They are supposed to be the barometer for measuring society’s political climate. The system-maintenance function involves legislative oversight, which translates into a review of programme execution and the performance of governmental agencies. We have recent indications of a discharge of this function in the revelations made during public hearings conducted by some National Assembly Committees into the controversy surrounding the disappearance of an oilbunkering ship, MT African Pride kept in the custody of the Nigerian Navy; the illegal payment of jumbo salaries to two Personal Assistants to the Minister for Federal Capital Territory; the discrepancies in the account of the Nigerian National Petroleum Corporation, (NNPC), etc.

The ultimate goal of the oversight function is to check tendencies towards Executive recklessness and the implementation of undesirable programmes and projects. As part of their oversight functions, the Legislature may conduct investigations into the activities of any governmental agency. They also keep watch over the spending of public funds by the Executive. The supervisory authority of the legislature extends to public institutions established by laws such as public corporations, local authorities or activities that are supported by public funds. The Legislature as the chief organ of popular government also performs tangential executive and judicial functions. For example, a number of executive actions such as ratification of international treaties and appointment of ministers require legislative approval. (Afeikhena 2004).

Accountability and Transparency in Legislative Process: The Nigerian Scene

In this section of the paper, we shall examine critically the phenomena of accountability, transparency and legislature in public governance in Nigeria. In the preceding section, we have shown through conceptual elucidation, that these fundamental elements in public administration underscore good governance process is on the right track can be gauged by objective research reports on the socio-economic and political state of the nation state. A few of such accounts will suffice as a clue.

While addressing the swearing-in ceremony of ministers in Abuja on 30th June, 1999, titled “The Historic Mission of National Restoration”, President Olusegun Obasanjo observed as follows:

“Our beloved nation has been virtually on the brinks of collapse. At least the past one and a half decades have been characterised by calamitous retrogression in almost every conceivable sphere of life. Nigerians have indeed passed through harrowing times and watched their standards of living plummet drastically, just as their human rights were steadily eroded. Life became almost short, brutish and nasty. These were surely the most difficult days for Nigeria since the end of the Civil War in 1970... there are many things crying for attention. Our battered national economy is certainly one of them... the grim condition of many of our citizens was worsened by the deterioration of public services where access to pipe-borne water and affordable health-care became a dream and the supply of electricity became epileptic and unreliable in an era in which globalisation has made such services ubiquitous and cheap (in Adegoroye, 2006:12).

Other accounts also indicate that as at 1999, when President Obasanjo took over as civilian executive President, Nigeria was rated as the 178th out of about 189 nation-states of the world on human development index (HDI) ranking; and this represented a regression from her position in the 1960s and 1970s. Indeed the President in his address referred to above had to summarise the indices of Nigeria’s socio-economic and political quandary as follows:

- Economic downturn;
- Decay and near collapse of social and physical infrastructure;
- Impairment of public services institutions;
- Poor economic management;
- High unemployment;
- Low investor confidence;
- Widespread corruption;
- Excruciating debt overhang;
- High poverty rate; and
- Lack of confidence in government (on the part of the governed).

The new President (as at May, 1999) had pledged to the nation that these indices of underdevelopment would be drastically reduced before the end of his first term in office. Presumably, these problems were to be talked through good governance, towards which his regime had given itself a self-assigned “mission of salvation.” Now, the pertinent questions follow: has public water supply improved significantly? Has electric power supply become reasonably less epileptic since 1999? –Indeed, here the President had promised that by the year 2001, “epilepsy” would cease completely to be a badge of the National Electric Power Authority ((now renamed Power Holding Company of Nigeria). What is now the state of health services? What is happening to unemployment and what is above all happening to hitherto yawning inequality in the Nigerian Society? If objective accounts from studies conducted by government officials themselves, international development community and scholars are anything to go by, one would boldly argue that the state of the above axes of human development are now rather deteriorating.

An active participant in Obasanjo’s erstwhile civilian regime had summarised the socio-economic condition of Nigeria as at 2006 as follows:

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